

**Senate Study Bill 1180 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON KLIMESH)

**A BILL FOR**

1 An Act regulating the use of automated or remote systems  
2 for traffic law enforcement, and including effective date  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

AUTOMATED OR REMOTE SYSTEMS FOR TRAFFIC LAW ENFORCEMENT

Section 1. NEW SECTION. 321P.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. "*Automated or remote system for traffic law enforcement*" or "*system*" means a camera or other optical device designed to work in conjunction with an official traffic control signal or speed measuring device to detect motor vehicles being operated in violation of traffic laws, the use of which results in the issuance of citations sent through the mail or by electronic means.

2. "*Critical traffic safety issues*" include traffic violations resulting in a traffic collision or accident and traffic collisions and accidents resulting in serious injury or death occurring at a location.

3. "*Department*" means the state department of transportation.

4. "*Local authority*" means a county or municipality having authority to adopt local police regulations under the Constitution of the state of Iowa and laws of this state.

Sec. 2. NEW SECTION. 321P.2 Permit required.

A person shall not use an automated or remote system for traffic law enforcement unless authorized under this chapter. A local authority shall not adopt, enforce, or otherwise administer an ordinance authorizing the use of a system, and shall not use a system, unless the local authority holds a valid permit to use a system at the system's location. A local authority may apply for a permit by submitting an application to the department in a manner determined by the department. The department may approve or disapprove the application for a permit based on the department's determination that a system is appropriate and necessary and the least restrictive means to address the critical traffic safety issues at a location. The department shall only approve one permit for a local authority,

1 which shall set forth all locations at which a local authority  
2 is authorized to use a system. A local authority may submit an  
3 application to the department to update the local authority's  
4 permit with a new location in the same manner and with the same  
5 information as required for the initial permit. An application  
6 for a permit must contain all of the following for a location  
7 at which the local authority intends to operate a system:

8 1. Records detailing the number and description of traffic  
9 violations at the location, which shall be compiled and  
10 maintained by the local authority for at least one year prior  
11 to the installation of the system and for each year the system  
12 is in operation. The records shall be considered public  
13 records for purposes of chapter 22.

14 2. Records detailing the number and severity of traffic  
15 collisions and accidents occurring at the location, which  
16 shall include a comparison of measured traffic collision and  
17 accident data at the location with traffic collision and  
18 accident data from other similar locations within the local  
19 authority's jurisdiction, other similar jurisdictions, and  
20 larger metropolitan areas.

21 3. An analysis of existing traffic speed data, posted speed  
22 limits, traffic volume data, and intersection and roadway  
23 measurements of the location. The analysis must demonstrate  
24 to the department that existing speed restrictions and traffic  
25 control signal timing are appropriate and must describe how  
26 the speed restrictions and traffic control signal timing were  
27 established.

28 4. The proposed cause of critical traffic safety issues at  
29 the location.

30 5. Alternative methods to improve traffic safety at the  
31 location that the local authority has implemented or has  
32 considered but declined to implement. Alternative methods  
33 to improve traffic safety may include but are not limited to  
34 changes relating to law enforcement practices, roadway or  
35 intersection design, traffic control devices used, and public

1 education campaigns.

2 6. Details of discussions, if any, held with an entity that  
3 has resources which may aid the reduction of traffic collisions  
4 and accidents caused at the location by failure to obey speed  
5 restrictions or traffic control signals and subsequent actions  
6 taken by the local authority.

7 7. An explanation detailing the reasons that the use of a  
8 system at the location is appropriate and necessary and the  
9 least restrictive means to address the critical traffic safety  
10 issues.

11 **Sec. 3. NEW SECTION. 321P.3 Use limited.**

12 1. A local authority shall not use an automated or remote  
13 system for traffic law enforcement to issue a citation for  
14 a traffic violation unless the violation is for any of the  
15 following:

16 a. Failure to yield or stop at an intersection controlled by  
17 a traffic control signal.

18 b. Failure to yield or stop at a railroad crossing.

19 c. Exceeding the speed limit by more than ten miles per  
20 hour.

21 2. A local authority shall not use a mobile system to issue  
22 a citation for a traffic violation, regardless of whether the  
23 mobile system is placed at an approved location under the local  
24 authority's permit.

25 3. A local authority may issue a warning memorandum to the  
26 owner of a vehicle that was operated in violation of a traffic  
27 law if the violation was detected by an automated or remote  
28 system for traffic law enforcement, including a mobile system.

29 **Sec. 4. NEW SECTION. 321P.4 Notice — signage and reports.**

30 1. A local authority shall not operate an automated or  
31 remote system for traffic law enforcement unless permanent  
32 signs meeting the requirements as specified in the department  
33 manual on uniform traffic-control devices and giving notice of  
34 the system are erected at least five hundred feet but not more  
35 than one thousand feet along the approach of the highway where

1 the system is used. Signs required under this subsection shall  
2 be erected by the local authority at the local authority's  
3 expense at least thirty days prior to the system enforcing any  
4 detected violations.

5 2. A local authority using a system shall submit to the  
6 department an annual report by March 1 of each year detailing  
7 the number of traffic collisions and accidents that occurred at  
8 each location where a system is in use, the number of citations  
9 issued for each system during the previous calendar year, and  
10 any other relevant information about the systems that the local  
11 authority deems appropriate. The local authority shall post  
12 the report on the local authority's internet site, if the local  
13 authority has an internet site.

14 Sec. 5. NEW SECTION. 321P.5 **Enforcement.**

15 1. A local authority shall not issue a citation or warning  
16 memorandum for a violation detected by a system until a peace  
17 officer of the local authority has reviewed and approved the  
18 recorded photograph or video to affirm a traffic violation  
19 occurred.

20 2. a. For a violation other than an excessive speed  
21 violation, the amount of the fine imposed by a citation  
22 resulting from a violation detected by a system shall not  
23 exceed the amount of the scheduled fine for the violation under  
24 section 805.8A.

25 b. For an excessive speed violation detected by a system  
26 other than as provided in paragraph "c", the fine shall not  
27 exceed the following amounts:

28 (1) Fifty dollars for speed greater than ten miles per hour  
29 in excess of the limit but not more than twenty miles per hour  
30 in excess of the limit.

31 (2) Seventy-five dollars for speed greater than twenty  
32 miles per hour in excess of the limit but not more than thirty  
33 miles per hour in excess of the limit.

34 (3) Two hundred fifty dollars for speed greater than thirty  
35 miles per hour in excess of the limit.

1     *c.* For an excessive speed violation detected by a system in  
2 a road work zone, as defined in section 321.1, the fine shall  
3 not exceed the following amounts:

4     (1) One hundred dollars for speed greater than ten miles per  
5 hour in excess of the limit but not more than twenty miles per  
6 hour in excess of the limit.

7     (2) One hundred fifty dollars for speed greater than twenty  
8 miles per hour in excess of the limit but not more than thirty  
9 miles per hour in excess of the limit.

10    (3) Five hundred dollars for speed greater than thirty miles  
11 per hour in excess of the limit.

12    3. A system not in compliance with this chapter shall not  
13 be used to detect violations. A citation issued while the  
14 system is not in compliance with this chapter is void and  
15 unenforceable.

16    Sec. 6. NEW SECTION.   **321P.6 Liability for violations**  
17 **detected.**

18    1. A citation for a violation detected by an automated or  
19 remote system for traffic law enforcement shall be issued to  
20 the owner of the identified motor vehicle.

21    2. *a.* Notwithstanding subsection 1, a local authority shall  
22 provide the owner of a motor vehicle who receives a citation  
23 for a violation detected by a system with an opportunity  
24 to submit evidence that the owner was not operating the  
25 motor vehicle at the time of the violation. As part of the  
26 proceeding, the owner shall provide the name and address of the  
27 person who was operating the motor vehicle at the time of the  
28 violation.

29    *b.* Notwithstanding subsection 1, a citation issued to the  
30 owner of a motor vehicle may be amended and issued to the  
31 person identified under paragraph "*a*" who was operating the  
32 motor vehicle. However, the owner of the motor vehicle shall  
33 pay the fine if the person operating the motor vehicle does not  
34 pay the fine.

35    3. For purposes of this section, "*owner*" means a person

1 who holds the legal title to a motor vehicle. However, if the  
2 motor vehicle is the subject of a security agreement with a  
3 right of possession in the debtor, the debtor is deemed the  
4 owner for purposes of this section, or if the motor vehicle is  
5 leased as defined in section 321.493, the lessee is deemed the  
6 owner for purposes of this section.

7     **Sec. 7. NEW SECTION. 321P.7 Revenue — disbursement and**  
8 **retention.**

9     A local authority that operates an automated or remote  
10 system for traffic law enforcement under this chapter shall  
11 remit monthly to the treasurer of state ten percent of the  
12 moneys from the use of the system, not including the cost to  
13 install, operate, and maintain the system. Moneys remitted  
14 under this section shall be deposited in the road use tax fund.  
15 The remaining moneys retained by the local authority shall be  
16 used only for public safety or improvements to transportation  
17 infrastructure within the local authority's jurisdiction.

18     **Sec. 8. NEW SECTION. 321P.8 Installation and maintenance.**

19     1. A local authority shall install a system in a manner that  
20 minimizes the effect of camera flash on drivers, if a camera  
21 flash is used.

22     2. An automated or remote system for traffic law enforcement  
23 shall only record a photograph or video of a vehicle and the  
24 vehicle's registration plate while the vehicle is used to  
25 commit an alleged traffic violation. A local authority shall  
26 not install a system such that the system's camera is placed  
27 to capture the face of any person in the motor vehicle being  
28 recorded. If a person's face is unintentionally captured by  
29 the system, the person's face shall be obfuscated by the local  
30 authority in any recording released to a person other than an  
31 employee or agent of the local authority, unless otherwise  
32 ordered by a court. The system's unintentional capture of a  
33 person's face does not invalidate the associated citation.

34     3. An automated or remote system for traffic law enforcement  
35 shall comply with the generally accepted procedures for

1 operating the system.

2 4. A system shall verify its internal calibrations daily,  
3 and a person trained in the calibration of the system shall  
4 conduct a monthly calibration.

5 5. A local authority operating a system shall maintain  
6 a monthly log detailing whether a person trained in the  
7 calibration of the system successfully performed the monthly  
8 calibrations and whether the system successfully performed the  
9 daily internal calibrations.

10 6. The log and documentation of the calibrations required  
11 under this section are admissible in any court proceeding  
12 relating to a violation detected by the system.

13 7. If a daily or monthly calibration is not successfully  
14 performed, the system shall not operate until a successful  
15 calibration is subsequently performed.

16 DIVISION II

17 EXISTING SYSTEMS

18 Sec. 9. EXISTING SYSTEMS.

19 1. A local authority using an automated or remote system  
20 for traffic law enforcement prior to April 1, 2023, may submit  
21 to the department of transportation by April 1, 2023, a list  
22 of system locations and justifications for placement and use  
23 of the systems at the locations in conformance with section  
24 321P.2, as enacted in this Act, to the extent practicable, as  
25 determined by the department. The department may, by July  
26 1, 2023, issue a permit to the local authority as provided  
27 in section 321P.2, as enacted in this Act. If, on July 1,  
28 2023, the local authority has not been issued a permit by the  
29 department, the local authority shall cease using all systems  
30 until the local authority obtains a permit from the department  
31 pursuant to section 321P.2, as enacted in this Act.

32 2. A local authority using an automated or remote system  
33 for traffic law enforcement at a location for the first time  
34 on or after April 1, 2023, shall not be issued a permit by the  
35 department of transportation pursuant to section 321P.2, as

1 enacted in this Act, before July 1, 2025.

2 Sec. 10. EFFECTIVE DATE. This division of this Act, being  
3 deemed of immediate importance, takes effect upon enactment.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

7 This bill creates a new Code chapter 321P which regulates the  
8 use of automated or remote systems for traffic law enforcement  
9 (systems). A system is a camera or other optical device  
10 designed to work in conjunction with an official traffic  
11 control signal or speed measuring device to detect motor  
12 vehicles being operated in violation of traffic laws, the use  
13 of which results in the issuance of citations sent through the  
14 mail or by electronic means.

15 The bill requires local authorities to hold a valid permit  
16 from the department of transportation (DOT) before using a  
17 system or adopting, enforcing, or otherwise administering an  
18 ordinance authorizing the use of a system. A local authority  
19 may apply for a permit by submitting an application to the DOT.  
20 The DOT may approve or disapprove the application based on the  
21 DOT's determination that a system is appropriate and necessary  
22 and the least restrictive means to address the critical traffic  
23 safety issues at a location. The DOT must only approve one  
24 permit for a local authority, which sets forth all locations  
25 at which a local authority is authorized to use a system. A  
26 local authority may submit an application to the DOT to update  
27 the local authority's permit with a new location. The bill  
28 lists the required information to provide on an application  
29 for a permit, including but not limited to records relating  
30 to traffic violations and traffic collisions and accidents  
31 occurring at the location; an analysis of existing traffic  
32 speed data, posted speed limits, traffic volume data, and  
33 intersection and roadway measurements; the proposed cause of  
34 critical traffic safety issues; and alternative methods to  
35 improve traffic safety.

1 The bill limits the use of a system to issue citations only  
2 for violations for failure to yield or stop at an intersection  
3 controlled by a traffic control signal or at a railroad  
4 crossing, or exceeding the speed limit by more than 10 miles  
5 per hour (MPH). A local authority cannot use a mobile system  
6 to issue citations. However, a local authority may issue a  
7 warning memorandum to the owner of a vehicle that was operated  
8 in violation of a traffic law if the violation was detected  
9 using a system, including a mobile system.

10 The bill requires a local authority to provide certain  
11 notice to drivers about the use of a system. Permanent signage  
12 providing notice to drivers that a system is in place must be  
13 erected at least 500 feet but not more than 1,000 feet along  
14 the approach of any highway where the system is used. The  
15 signs must be erected at the expense of the local authority.  
16 Every location where an automated or remote system is used must  
17 be clearly identified at least 30 days prior to the system  
18 enforcing any detected violations. A local authority must  
19 provide an annual report to the DOT about the local authority's  
20 systems.

21 A local authority is prohibited from issuing a citation  
22 or warning memorandum for a violation detected by a system  
23 until a peace officer of the local authority has reviewed and  
24 approved the recorded photograph or video to affirm a traffic  
25 violation occurred. The amount of the fine imposed by a  
26 citation resulting from a violation, other than an excessive  
27 speed violation, detected by a system is limited to the amount  
28 of the scheduled fine for the same violation under Code section  
29 805.8A. The maximum amount for a fine for an excessive speed  
30 violation is set forth in the bill based on MPH in excess of the  
31 limit, and is doubled if the violation occurs in a road work  
32 zone. A system not in compliance with the bill cannot be used  
33 to detect violations. A citation issued while the system is  
34 not in compliance is void and unenforceable.

35 The bill requires system citations to be issued to the owner

1 of a motor vehicle, but also requires local authorities to  
2 provide an opportunity for an owner to identify another person  
3 who was operating the vehicle during the violation. However,  
4 the owner must still pay the associated fine if the other  
5 person does not pay the fine.

6 A local authority that collects revenue for traffic  
7 violations detected by a system must remit monthly to the  
8 treasurer of state 10 percent of the moneys from the use of  
9 the system, not including the cost to install, operate, and  
10 maintain the system. These moneys are deposited in the road  
11 use tax fund. The remaining moneys retained by the local  
12 authority are required to be used only for public safety or  
13 improvements to transportation infrastructure within the local  
14 authority's jurisdiction.

15 The bill requires that systems be installed to avoid the  
16 effect of camera flash on drivers and to prevent capturing  
17 recordings of persons in the vehicle. The bill regulates the  
18 required system maintenance and frequency of maintenance,  
19 including system compliance with generally accepted procedures  
20 for the system, daily internal calibrations, and monthly  
21 calibration by a person trained in the calibration of the  
22 system. The bill requires a local authority to maintain a  
23 monthly log detailing the maintenance and calibration records.

24 The bill provides that a local authority using a system prior  
25 to April 1, 2023, may submit to the DOT by April 1, 2023, a  
26 list of system locations and justifications for placement and  
27 use. The department may, by July 1, 2023, issue a permit to the  
28 local authority. If, on July 1, 2023, the local authority has  
29 not been issued a permit, the local authority must cease using  
30 all systems until the local authority obtains a permit under  
31 the bill. A local authority using a system at a location for  
32 the first time on or after April 1, 2023, shall not be issued a  
33 permit before July 1, 2025. These provisions of the bill take  
34 effect upon enactment.